



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

May 15, 2013

File Number: 2013-7202

Permit Type: Use Permit

Location: 260 S. Mary Avenue (near W. Washington Avenue) (165-09-014)

Applicant/Owner: Harmesh K. Saini

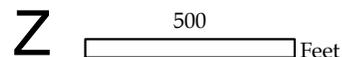
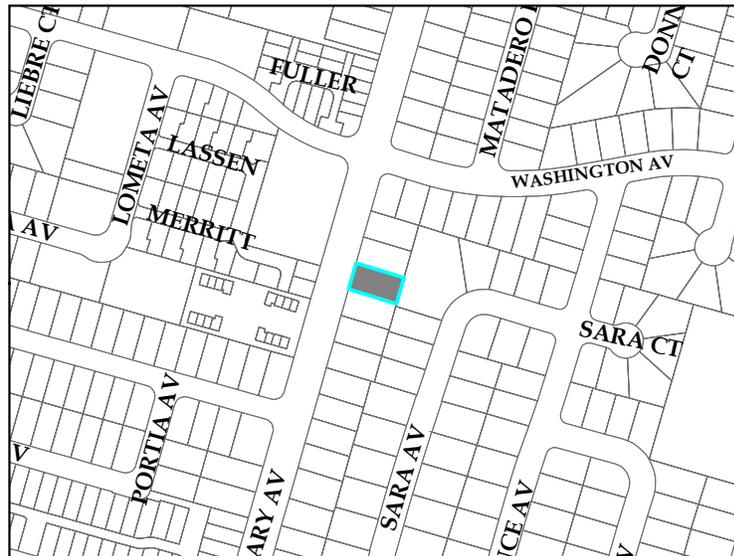
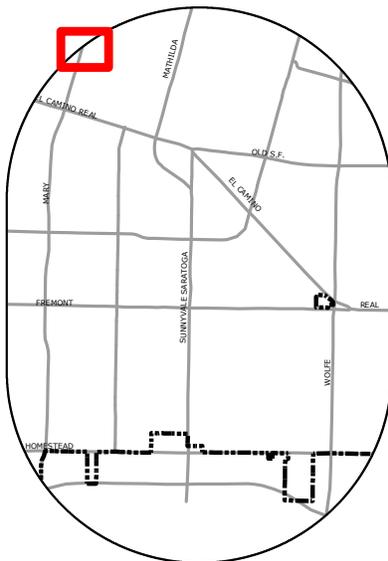
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow extended use of the site as a commercial child care facility and increase the maximum number of children from 18 to 24.

Reason for Permit: A Use Permit is required for continued operation and expansion of the facility, per Condition of Approval #4a of Use Permit #2009-0756.

Issues: Continued Operation, Increased Capacity

Recommendation: Approve with Conditions



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	R-0	Same
Lot Size	7,217s.f.	Same
Floor Area:	2,217 s.f.	Same
Parking:	4	Same

Previous Planning Projects related to Subject Application: The site was approved for a commercial day care facility with a maximum of 18 children by the City Council on April 6, 2010. The site had been previously approved as a large family day care (up to 14 children) on July 8, 2008.	Yes
Neighborhood Preservation Complaints: There are no active code enforcement cases related to the subject site. In 2011, the Neighborhood Preservation Division had been notified of possible violations of the Use Permit related to the use of the garage. An inspection determined that the garage was being used for parking, as required, and that no violation had occurred.	No
Deviations from Standard Zoning Requirements:	No

Use Description: The existing use (Windsor Academy) is a commercial day care facility. A Condition of Approval of the use required that a separate Use Permit be submitted for continued operation after one year of operation. In addition to continued operation, the applicant seeks to expand the use to 24 children. The initial request for a Use Permit in 2010 was for 24 students; however, a maximum of 18 was approved by the City Council. Although the Use Permit was approved approximately three years ago, the facility has only been operating as a commercial day care facility under the applicable state license for one year. Since establishment of the facility, the site has not been utilized for residential uses.

As noted by the applicant, the state requires 35 s.f. of indoor and 75 s.f. outdoor space per child. The applicant has provided information within the plan and project description to support that these requirements have been met.

Hours of Operation: The day care operation would remain from 8 a.m. to 6 p.m. Monday through Friday. Drop off and pick up occur the first and last two hours during business operation.

Expected Students / Customers: The proposal would expand the maximum number of children for the facility from 18 to 24. The children would range

from one and a half to six years old. Two teachers would be present at the site during business operation.

Floor Plan: The interior layout of the expanded facility would remain the same. The existing floor plan consists of several rooms designated for activities, learning and staff for day care use. A two car garage, two bathrooms and a kitchen are also provided. The floor plan is provided in Attachment B.

Exterior Changes: There are no planned exterior changes associated with the expansion request. Modifications to the site and structure were undertaken when the building was converted to the day care facility in 2009.

An eight-foot sound wall was constructed along the south property line when improvements were previously made to the site. This wall was constructed as an attempt to address previous concerns that were noted during the public hearing process regarding the potential for increased noise.

Per approval of the original Use Permit, no signage is permitted on the site. This Condition of Approval remains as a requirement for this proposal (Condition of Approval GC-4).

Parking & Circulation: At the time of the original Use Permit approval, Sunnyvale Municipal Code parking requirements required one space per employee (during a maximum shift), plus one space per 14 students. The facility consists of two employees and 18 children, which requires a total of (3.2) four spaces. In addition to this total space requirement, one of the spaces was designed to be van loading accessible, per Building Code requirements. This space, however; is not required to be utilized as a handicap accessible space. The additional six children would not necessitate additional parking according to requirements in effect at the time of the original approval. Since the approval, the new parking requirements have been adopted. A Code standard of one space per four children has been adopted for day care facilities; therefore, two additional parking spaces would be needed (six).

As stated previously, the project was approved by City Council with a required one-year review and expansion of up to 24 children could be considered at that time. Since the project was originally evaluated for up to 24 children and parking requirements were met, staff is not requiring that additional parking be provided on-site.

The applicant has provided information regarding a staggered drop-off and pick-up program for children depending on their schedule. An incentive program has also been established that rewards children for walking or riding a bike to the site. The applicant has indicated that a carpool list will be maintained to further encourage reduced trips. Staff has included as Condition of Approval AT-6, to formalize these programs through a Parking Management

Plan. A separate Miscellaneous Plan Permit is required to be submitted for approval prior to the increased capacity.

Public Contact: Eight notices were sent to surrounding property owners and residents adjacent to subject site. The applicant has provided letters of recommendation from neighboring residents and businesses. Staff has received one letter of objection from the adjacent neighbor to the south located at 270 S. Mary Avenue. The neighbor cites concerns with traffic, parking, noise and trash as a result of children throwing objects over the existing wall. These letters are included in Attachment D.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Use Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

Land Use and Transportation Element

Policy N1.1 – *Protect the integrity of the City’s neighborhoods; whether residential, industrial or commercial.*

Action Statement N1.1.1 - *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

The day care center facility meets applicable development standards and the continued operation with an expanded capacity up to 24 children is considered appropriate at this location. As stated in the report, the site had been evaluated under parking requirements applicable at the time and no further parking improvements are required. Previous improvements on the site through the construction of a sound wall attenuate noise and reduce impacts to the neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties. *(Finding Not Met)*

The expanded use of the site will not result in visual changes to the site. No interior or exterior changes are being proposed to the building. The facility has been operating as a commercial day care use for approximately one year. Previous code enforcement actions determined that no violations have occurred. Increased capacity may result in a minor increase in traffic to the

site. Conditions of Approval require existing transportation incentives be formalized through a parking management plan.

ALTERNATIVES:

1. Approve the Use Permit with recommended Conditions in Attachment A.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment A.

Reviewed by:

Gerri Caruso
Principal Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Letter and Justifications from the Applicant
- D. Letters from Interested Parties

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
May 15, 2013**

Planning Application 2011-7202

260 S. Mary Avenue

Use Permit to allow continued use of as a commercial day care facility
and to increase capacity to a maximum 24 children

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE
APPROVED PROJECT.**

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. USE EXPIRATION:
The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC.3 PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4 SIGNS:

Signage is prohibited for this use per City Council approval of the original Use Permit (2009-0756). [CITY COUNCIL] [COA]

GC-5 CAPACITY: The maximum capacity for the day care center shall be limited to 24 children. Any proposed expansion of the use requires approval through a Zoning Administrator Hearing.

GC-6. OBTAIN OTHER PERMITS AND LICENSES: The following additional permits and licenses are required prior to commencement of the approved use:

- a) Obtain all required permits or licenses to operate as a commercial daycare facility from State Department of Social Services.
- b) Obtain required permits from the City of Sunnyvale Department of Public Safety, Fire Services.
- c) Obtain a City of Sunnyvale business license. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

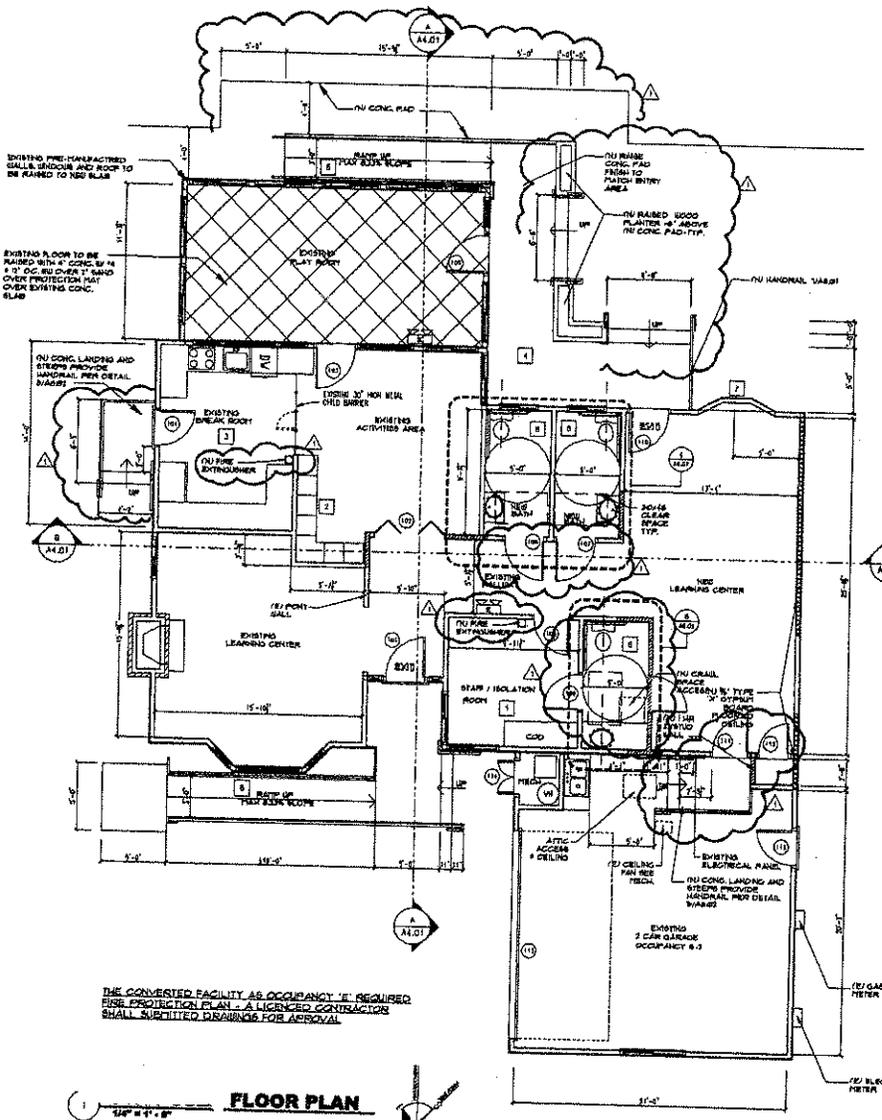
The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation for the day care facility are limited to 8:00 a.m. to 6:00 p.m. Monday through Friday. Expansion of these hours, including weekend use, require approval through a Zoning Administrator Hearing. [COA] [PLANNING]

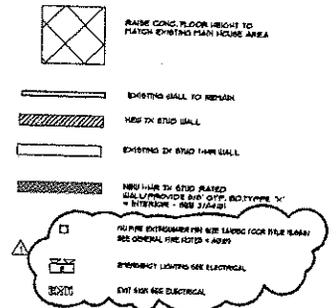
AT-2. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

- AT-3. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-4. LANDSCAPE MAINTENANCE:
All landscaping shall be maintained in accordance with the approved landscape plan associated with Use Permit 2009-0756 and shall thereafter be maintained in a neat, clean, and healthful condition. [COA] [PLANNING]
- AT-5. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and the following conditions shall be required:
- a. The required two employee parking spaces shall be limited to the garage.
 - b. Employees using the two garage spaces shall be provided access to such spaces. This shall be addressed through the installation of an automatic garage door with an opener given to employees to access during their employment.
 - c. Guest parking and drop off area shall remain available and unobstructed during business hours.
- AT-6. PARKING MANAGEMENT PLAN:
A separate Parking Management Plan shall be submitted through a Miscellaneous Plan Permit subject to approval by staff detailing measures that reduce traffic to the site. Such measures may include a carpool program, staggered hours drop off and pick up times, or other incentive programs that encourage alternate modes of transit to the site. [COA] [PLANNING]
- AT-7. FIRE PREVENTION: Provide required number of approved fire extinguishers (minimum size of 2A10BC) [COA] [PUBLIC SAFETY – FIRE PREVENTION]



LEGEND:



- 1 ISOLATION AREA, USED BY ALL STAFF, EPIDEMIOLOGY, (ONE SHWC TOILET AND ONE SHWC)
- 2 STORAGE SPACE FOR CHILDREN
- 3 BREAK AREA
- 4 IN EXTERIOR DECK AREA
- 5 ADA ACCESS PLANS
- 6 ADA ACCESS - BATHROOMS, KINDERGARTEN AND PRESCHOOL. SEE NOTES AND DETAIL 4 AND 4 A&B
- 7 EXISTING SPACES TO BE RELOCATED TO NEW LOCATION
- 8 ADA ACCESS - BATHROOM - ADULT. SEE NOTES - DETAILS 4 AND 4A&B

ONE HR SEPARATION BETWEEN GARAGE AND HABITABLE SPACES. PROVIDE 20 MIN. DOOR ADDITION.

NEW BATHROOMS NOTES

LIST OF ACCESSORIES FOR EQUAL OPPORTUNITY (SEE NOTES)

- 1 - TOILET PAPER HOLDER / PAPER BY CONTINENTAL T 580
- 2 - GRAB BARS B 6006 36 AND B 6006 42
- 3 - SCAM DIAPHRAGM 7011

LIST OF FIXTURES FOR EQUAL OPPORTUNITY (SEE NOTES)

- 1 - LAVATORY - BY KOHLER
- 2 - TOILET (MANUFACTURED) - KOHLER MONOLITH LITE BOWL 1" X 16" 6000 1111. RAYAL PLUMB VALVE 1" RD CHURCH SEAT 7 52102

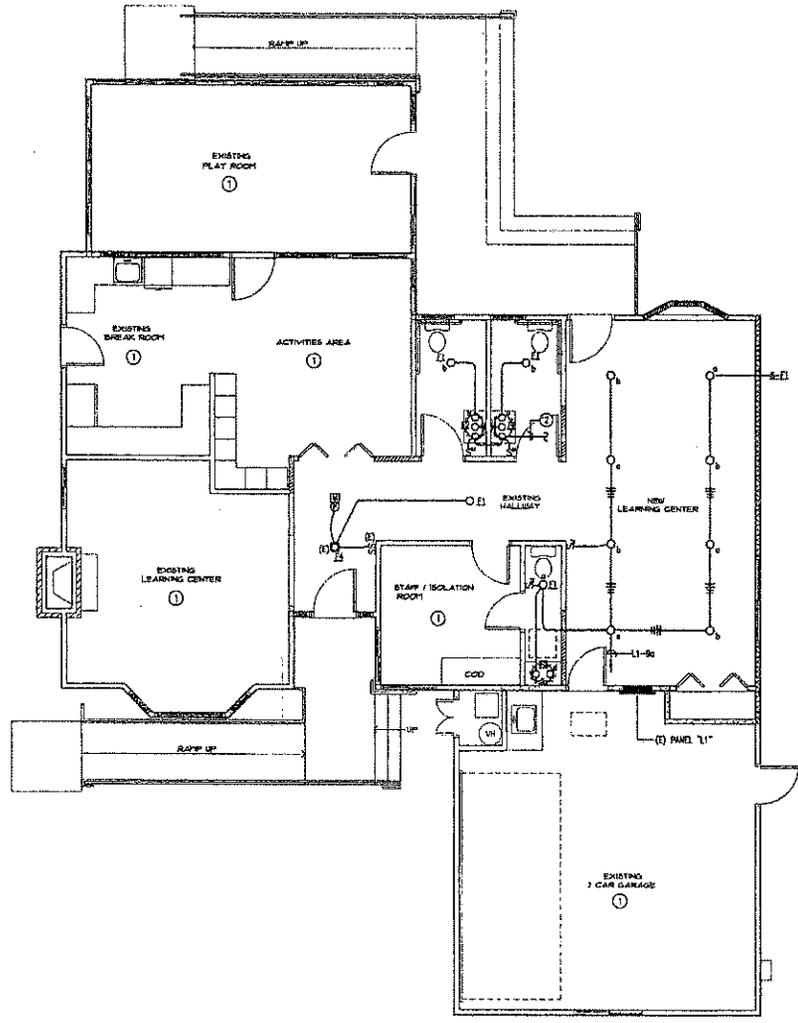
NOTE: PROVIDE ONE PINE COAT AND TWO PINE COATS FOR ALL BATHROOM WALLS, CEILING, SHOWER DOORS AND BILLS - COLOR BY ARCHITECT OR OWNER. PATCH NEW FLOORING TO EXISTING FLOOR AND PATCH EXISTING FLOORING TO NEW FLOORING. PATCH NEW TERRAZZO ON ALL EXTERIOR WALLS. PROVIDE TO MATCH EXISTING OR COLOR BY ARCHITECT - OWNER EXTERIOR FLOOR FINISHES TO BE SELECTED BY OWNER. SEE ORIGINAL NOTES 4 AND 4A&B

THE CONVERTED FACILITY AS OCCUPANCY "I" REQUIRES FIRE PROTECTION PLAN - A LICENSED CONTRACTOR SHALL SUBMIT DRAINING FOR APPROVAL

FLOOR PLAN
1/8" = 1'-0"

<p>SAINI DAYCARE 200 N. BERRY AVE MERRILLVILLE, IN 46541</p>	<p>FLOOR PLAN</p>	<p>A2.03</p>
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ATTACHMENT
Page 3 of 9
B
3

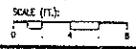


NUMBERED SHEET NOTES:

- ① ALL LIGHTING FIXTURES, SWITCHES AND BRANCH CIRCUITRY IN THIS ROOM ARE EXISTING TO REMAIN.
- ② CONNECT TO EXISTING LIGHTING CIRCUIT.

LIGHTING PLAN

ATTACHMENT **B**
 Page 7 of 9



WILLIAM MERRITT
 ARCHITECT/ASSOCIATES
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 TEL: (310) 276-1000
 FAX: (310) 276-1001

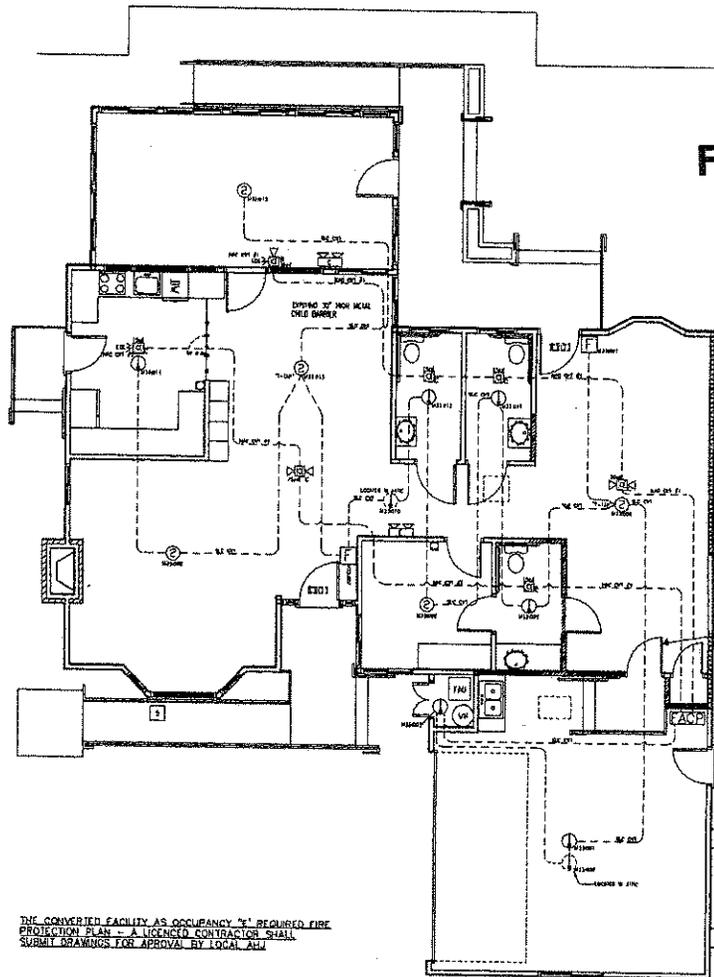
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SAINI DAYCARE
 280 S. BARRY AVE
 BUNHOLEY, CALIFORNIA 94507

LIGHTING PLAN
 SHEET **F-3**

BUILDING SUBMITTAL



FIRE ALARM SYSTEM FLOOR PLAN

THE CONVERTED FACILITY AS OCCUPANCY "B" REQUIRED FIRE PROTECTION PLAN - A LICENCED CONTRACTOR SHALL SUBMIT DRAWINGS FOR APPROVAL BY LOCAL AHA

SIGN ON DOOR:
"FIRE ALARM CONTROL PANEL"

DATE	BY	CHKD
01/11/11	RSG	
01/11/11	RSG	
01/11/11	RSG	

REVISIONS	BY
1. INITIAL DESIGN	RSG
2. REVISED DESIGN	RSG
3. REVISED DESIGN	RSG
4. REVISED DESIGN	RSG
5. REVISED DESIGN	RSG
6. REVISED DESIGN	RSG
7. REVISED DESIGN	RSG
8. REVISED DESIGN	RSG
9. REVISED DESIGN	RSG
10. REVISED DESIGN	RSG



FIRE ALARM SYSTEM FLOOR PLAN

Saint Day Care Center
260 S. Mary Ave.
San Jose, CA

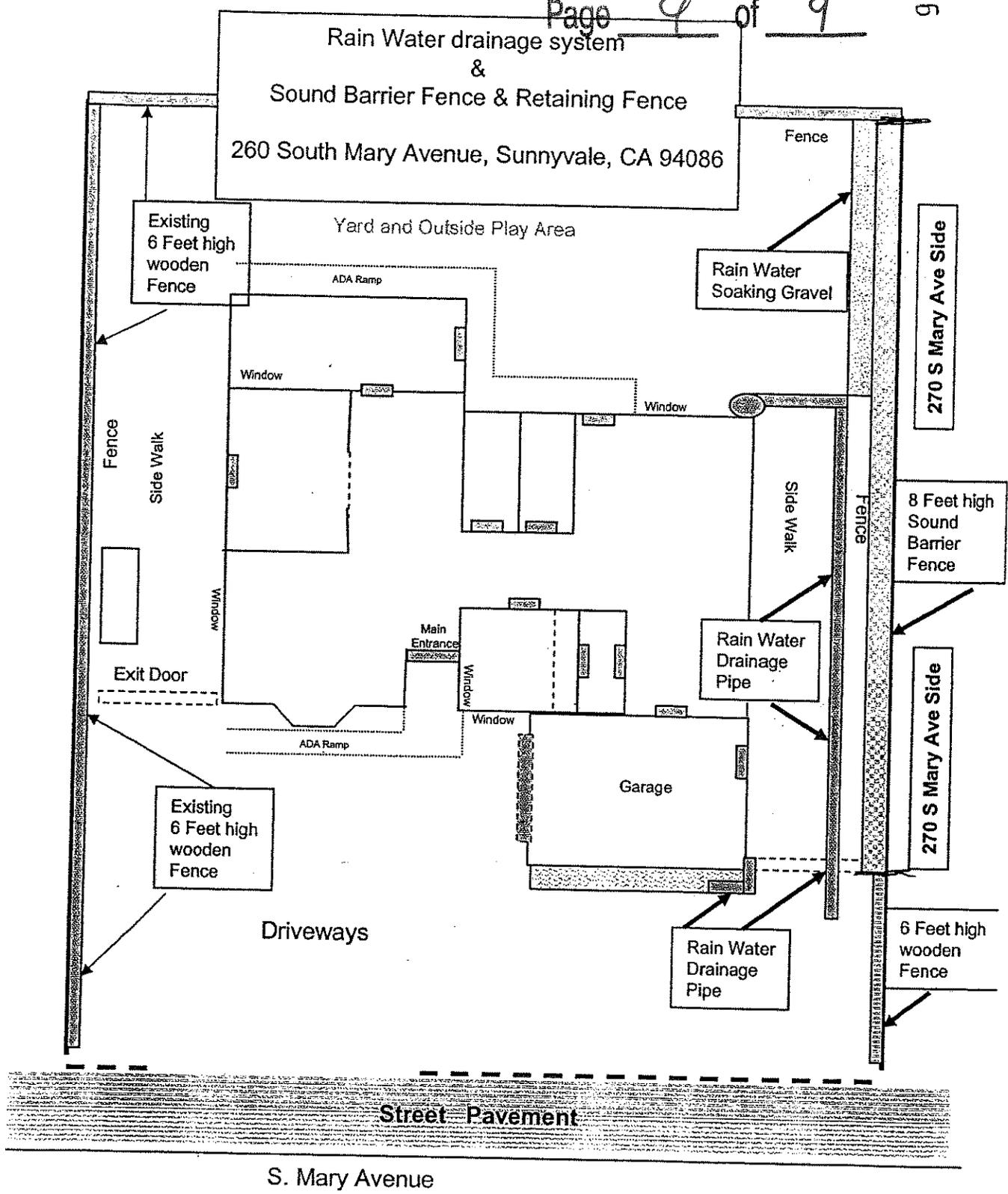
DATE: 01/11/11
SCALE: 1/4" = 1'-0"
DRAWN: RSG
JOB: A2-0260

FIA-1

24x36

FLOOR PLAN 1/4" = 1'-0" (F/A SYSTEM FLOOR PLAN)

ATTACHMENT
 Page 8 of 13
 8



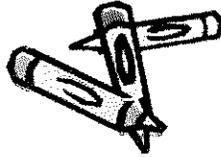
JOB COPY
 These plans must be kept
 on the job at all times.
CITY OF SUNNYVALE

Building Safety Division
 City of Sunnyvale

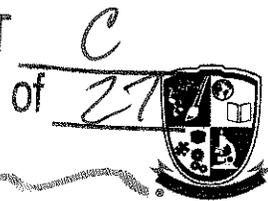
APR 7 2011

For installation in the City of Sunnyvale subject to code requirements
 APPROVED

By BUILDING-PLUMBING-ELECTRICAL-MECHANICAL
 The stamping of this plan shall not be held as a permit or to
 be an approval of the violation of any provision of any City or State Code.



ATTACHMENT
Page 1 of 27



Windsor Academy

March 12, 2013

Planning Department
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

**Re: USE PERMIT FOR REQUIRED ONE-YEAR REVIEW OF CHILD CARE
CENTER INCLUDING EXPANSION FROM 18 TO 24 CHILDREN**

Dear Planning Department:

On April 6, 2010 the Sunnyvale City Council granted a Conditional Use Permit to convert a "Large Home Daycare" at this property to a commercial "Childcare Center" with a capacity of 24 students (Project #2009-0756).

This approval was given with the condition that the childcare center shall be limited to 18 children for one year. The Sunnyvale City Council indicated that, after one year of facility operation with 18 children, the use would be reviewed at an Administrative Hearing. The expansion from 18 to 24 children would also be considered upon this review.

The other condition set forth was to upgrade the site to meet current City codes. After extensive structural building, safety, earthquake and fire upgrades, construction at the facility was completed on March 24, 2011. The City fire marshal and building inspector, Mr. Bob Serrano, granted final approval for occupancy.

In compliance with California Department of Social Services, a license was issued to the childcare center (Windsor Academy) for a maximum capacity of 18 children. Since then, the Windsor Academy has been operating smoothly with 18 children at this commercial site.



The childcare center has been operating with 18 children and successfully meets all the City Council conditions that:

- There are only minor changes to the exterior of building (ADA requirements)
- There have been no changes in hours of operation
- There is no change in the number of employees

Based on our previous year of operating with a capacity of 18 students, we feel that this capacity is justified to be made permanent, and that an expansion to 24 students will not cause a negative impact to the community.

Thank you,

Harmesh K Saini

(408) 244-8373

hsaini@gmail.com

Attachments:

- 1 Justification Document (14 pages)
- 2 Description Document (4 pages)
- 3 Citizen Survey, City of Sunnyvale 2011, p. 21 (1 page)
- 4 Out n' About Incentive Chart (1 page)
- 5 Recommendation Letters from Neighbors and Business (8 letters)
 - a. Adjacent Neighbor: Jim Hayes
 - b. Neighbor: Brent Harrison and Jennifer Ayre
 - c. Next-to-Adjacent Neighbor: Charlie Zhu and Joyce Min
 - d. Current Parent: Emily Johnson
 - e. Nearby Neighbor: Rakesh Gupta and Shalini Agarwal
 - f. America's Best Karate: Master Todd Penner
 - g. Unique Dental: Drs. Mark Vo and Jasmine Le
 - h. Hair Galleria: Jafar
- 6 Letter from Neighborhood Preservation: Steve Frias (1 page)
- 7 Staff Handbook (Excerpt): Parking (1 page)



JUSTIFICATION DOCUMENT for PROJECT # 2013-7202

Windsor Academy has operated for a year with a conditional use permit which allowed for a capacity increase from 14 students to 18. The purpose of this document is to share data and observations made in the time that 18 students attended Windsor Academy. We strongly feel that the increase from 14 to 18 did not negatively impact the community, and request that the conditional permit for 18 be made permanent.

Furthermore, since the increase from 14 to 18 went so smoothly, Windsor Academy is also requesting a modest increase in capacity to 24 students. If granted, we intend to make this capacity increase given:

- The increase will not require any further property modifications to the building or landscaping.
- There will be no additional on-site staff requirement, thus not requiring additional staff parking.
- Traffic and parking has not been an issue with the current capacity of 18 students, and there are no signs that increasing to 24 would worsen traffic.
- Since the increase to 18 students since last year, there has been no observed negative impact to the surrounding neighborhood.



The increase in capacity will provide local families a secure, safe and loving place for their children and has a number of benefits to the community:

- Affordable childcare is a boon to businesses seeking to locate in Sunnyvale.
- The lowest scoring category in the recent resident satisfaction survey (2011) is affordable childcare. This negatively impacts the quality of life for two-income families -- which is to say, most families with children.
- Local small businesses surrounding Windsor Academy benefit from the increased business.
- Expansion would lead to job creation in the community and provide support to the real estate market.

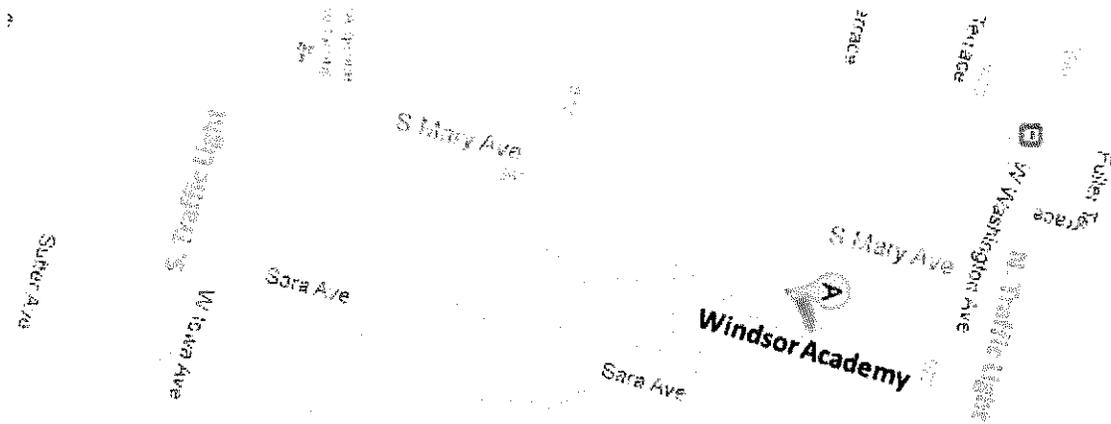
1. Traffic

Arterial Location

Windsor Academy is located on South Mary Avenue near the West Washington Avenue intersection. South Mary Ave. is an arterial street, not a residential neighborhood street, so increasing the student capacity to 18 had no significant impact on traffic. Likewise, increasing student capacity to 24 will not add a significant amount of traffic.

Traffic Lights

Windsor Academy is located between two traffic lights at W. Washington Ave. and W. Iowa Ave. This provides traffic control to the area and creates many gaps in the flow of traffic that allow for easy access to the driveway.



Efficient Traffic Flow

Windsor Academy is conveniently located in a mixed commercial-residential zoned area, and between the major commuting roads of El Camino Real and Central Expressway. Parents can easily drop their children off on the way to work, thereby reducing traffic flow in the City. It also makes Windsor Academy walkable for many parents who live in the surrounding residential neighborhood.

Additionally, Windsor Academy is directly across from the Mary Manor Shopping Center, which includes a Starbucks, Quizno's, drycleaner, etc. As a result, families commonly visit these business instead of driving out of their way, further reducing traffic flow in the City.

Alternative Transportation

Due to Windsor Academy's close proximity to residential areas, many of our families walk, wagon, or bike to school. This further limits traffic congestion throughout the community. Additionally, we encourage families to use alternative transportation via our "Out n' About" incentive program (see attached). Figure 1 shows examples of alternative transportation.

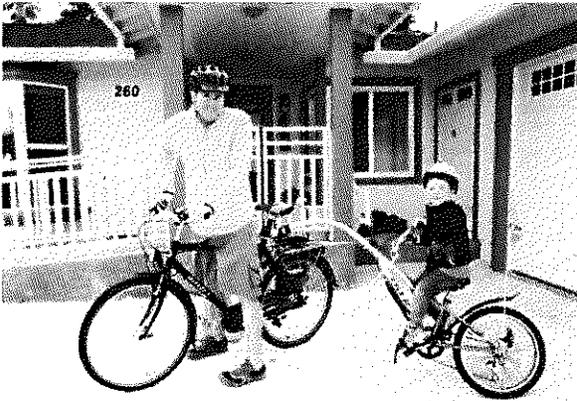


Figure 1: A few of the ways our students get to school



2. Parking

Windsor Academy has two designated covered and two uncovered parking spots (see Figure 2).



Figure 2: Large driveway which allows for safe transition to/from S. Mary Ave.

Three-point turn

The spacious front driveway allows for a safe three-point-turn. This means that no driver ever needs to back into traffic on S. Mary Ave.

Staggered Dropoff and Pickup

Due to the variety of schedules, drop off time for children is between 8:00 am and 11:00 am. Pick up time is from 11:00 am to 6:00 pm, depending on the child's schedule. The wide range of pick up and drop off times leads to staggered parking use.



In our data collection, there were never more than 2 vehicles occupying parent parking spots at Windsor Academy (see Figure 3). The majority of the time, the parking lot was empty, suggesting that the current parking lot size is sufficient for 18 students and would sustain an increase in student capacity to 24.

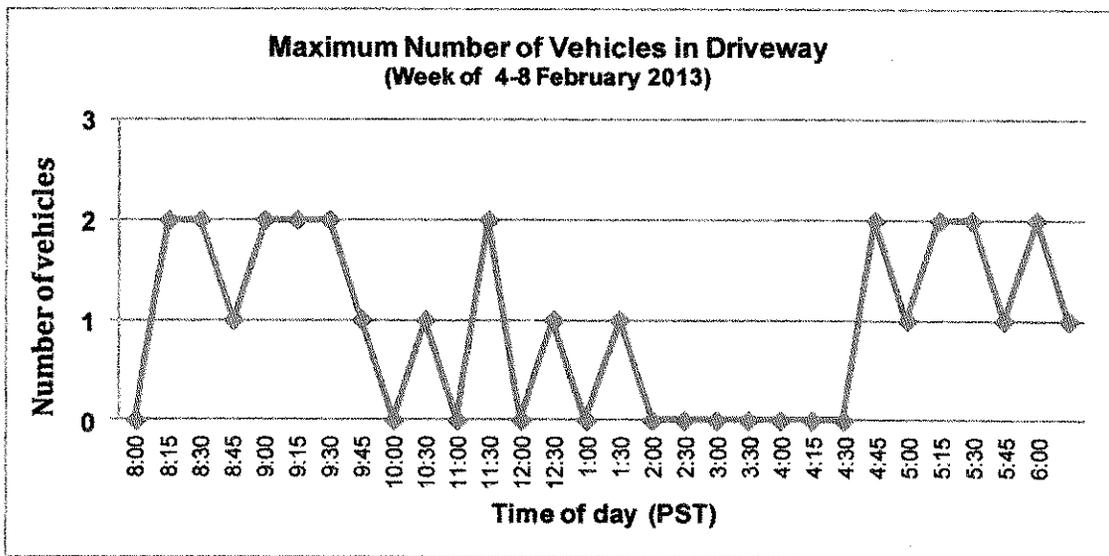


Figure 3: Vehicle in driveway data from Feb 2013 with 18 students enrolled

Parking Duration

Figure 4 shows how long cars were parked at Windsor Academy. The average duration is under 4 minutes, and the vast majority of vehicles are parked for 5 minutes or fewer.

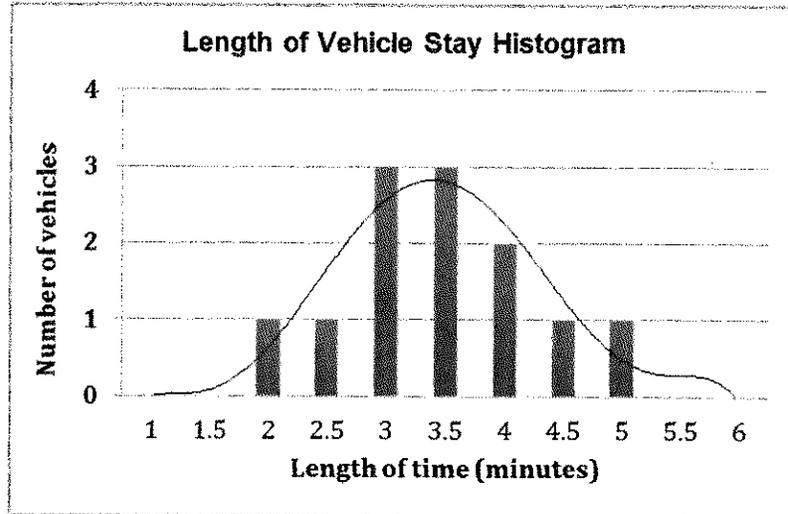


Figure 4: The distribution of vehicle parking times

Informing Parents about Parking

Windsor Academy makes regular effort to inform parents on safe parking practices during drop-off and pick-up times. This includes informing drivers of the ability to do three-point turns to facilitate fast, efficient drop-offs and pick-ups.



3. Working Cooperatively with Neighbors

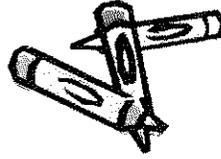
Cooperating with Neighbors

Since center operations began, through the increase from 14 to 18 students, neighbors have been enthusiastic and supportive of the project. Please see attached letters of support from neighbors. Complaints to the City about center operations have been made by only one person, a neighbor. In this section, we would like to provide a written explanation of the context of these complaints and exhibit ways we have maintained cooperative relationships with neighbors, and will continue to do so if granted an increase in capacity.

One complaint was not using the 2-car garage for parking, as required by Condition of Approval #6 of the previously approved Use Permit (#2009-0756). This complaint was false. A response, including photographs of the garage, was promptly sent to Mr. Steve Frias of Neighborhood Preservation. Please see attached letter from Mr. Frias, in which he states there "appears to no merit to the complaint."

The expansion of the center to 24 children would not impact staff parking in the garage because the number of staff (2) would stay the same. Please see Staff Handbook, in which all staff members, upon employment, are provided a written explanation of parking procedures at the center.

The other complaint, made by the same neighbor, was to the Sunnyvale Police Department regarding vehicles obstructing the neighboring driveway. Public Safety Officer James Boone personally visited the center in November 2011 to observe and evaluate this specific concern. Lt. Boone interviewed both adjacent neighbors, stood



outside and observed staggered drop-off of children, and spoke to center staff. He found the complaint to be unsubstantiated.

The center has been diligent in documenting all conversations with the neighbor since 2010 (available upon request). Other incidents with the neighbor on 9/13/11 and 1/4/12 indicate that the issue is not obstruction of driveways: it is actually cars parked curbside in front of the neighbor's home.

Though this is legal parking, the center has instructed families to avoid parking even curbside in front of the neighbor's home. Even with an increase in student capacity, the center intends to remain highly responsive to neighbors.

Going Above and Beyond: Noise

While the sounds of children laughing and playing is compatible with a residential neighborhood, Windsor Academy has been proactive to address the aforementioned neighbor's concern about noise. Although not a Condition of Approval, a sound barrier wall with special noise-cancelling foam inserts was erected (see Figure 5). It spans 80' long by 8' tall. We have not received any noise complaints since the sound barrier wall was constructed.



Figure 5: The sound barrier wall

Going Above and Beyond: Drainage

In addition to the noise consideration, the aforementioned neighbor also expressed concern about rainwater crossing onto his property. Although not a Condition of Approval, Windsor Academy again proactively developed a drainage system that would ensure no water would cross onto the neighbor's property.

We hope to convey that the center has truly strived to maintain harmonious neighbor relations, often going above and beyond City requirements. We are happy to report there have been no complaints from this neighbor since January 2012.



4. Neighborhood Compatibility

Windsor Academy is positioned directly across from local businesses (see Figure 6), and situated in a mixed residential-commercial zone. While the facility has gone through required renovations, the look and feel of the neighborhood has been maintained. No major modifications have been made to the exterior of the facility (see Figure 7).



Figure 6: View of Mary Manor Shopping Center from Windsor Academy



Figure 7: Front view of Windsor Academy

5. Why Increase capacity at Windsor Academy?

Sunnyvale is located in the heart of Silicon Valley. As a result, an influx of young families are moving to the City seeking work, especially to the nearby downtown area. Located within one mile of multiple housing developments, Windsor Academy has been inundated with prospective families seeking childcare for their young children. Windsor Academy's waitlist is filled with new families waiting for admission, as well as siblings of current students.

Affordable childcare is consequently a boon to businesses seeking to locate themselves in Sunnyvale (e.g. LinkedIn, Nokia) and attract young talent.



At the same time, Sunnyvale residents are most dissatisfied with the availability of affordable childcare according to a recent survey (Citizen Survey, City of Sunnyvale 2011, p. 21). Availability of affordable, quality childcare is the single-lowest scoring category in the entire survey. Limited childcare affects the quality of life for two-income families -- most young families with children.

	2011	2009	2008	2007	2005	2003	2002
Sense of community	67%	58%	62%	65%	59%	NA	NA
Openness and acceptance of the community towards people of diverse backgrounds	83%	80%	82%	85%	NA	NA	NA
Availability of affordable quality child care	40%	31%	32%	31%	59%	56%	NA
Sunnyvale as a place to raise children	82%	81%	77%	81%	NA	NA	NA
Sunnyvale as a place to retire	53%	55%	61%	49%	NA	NA	NA

Percent excellent or good

Figure 8: Only 40% of Sunnyvale residents are satisfied with the availability of affordable, quality childcare

(Source: The National Citizen Survey, City of Sunnyvale, CA 2011 Page 21 www.icma.org or www.n-r-c.com)

This issue reaches further than just childcare. Many neighboring businesses in the Mary Manor Shopping Center have seen increased business due to the presence of Windsor Academy. Therefore, we feel Windsor Academy is positivity contributing to the economy of Sunnyvale.

Over the past year, we've complied with the Conditions of Approval as we operated with 18 students, while positively influencing the community. As a result, we feel that a permanent permit for 18 students is justified.



Furthermore, based on our observations, we are confident that a modest increase to 24 students will not cause a negative impact to the community. Instead, an increase in capacity will further support the community by providing affordable, quality childcare to current and future residents of Sunnyvale.

Given Sunnyvale's commitment to family, community, and economic growth, we anticipate favorable consideration in granting this use permit.



DESCRIPTION DOCUMENT for PROJECT # 2013 - 7202

1. Students and Teachers

- Current capacity is 18 students
- Requested capacity is 24 students
- Student age ranges from 2 years to entry into 1st grade
- Current teacher count is 2, enough for up to 24 students

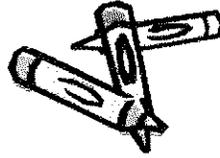
2. Building Information

All Building measurements listed here are based on actual measurements made by William Maston Architects & Associates:

- Lot Size: 7217 sq ft
- Building Size: 2217 gross sq ft
- Outdoor Play Area: 2853 sq ft
- Parking:
 - Driveway 2 (two) including van accessible ADA
 - Garage 2 (two)

3. Legal Enrollment Requirements

- **Indoor Space Requirement:** State Title 22 Regulation for Child Care Center requires 35 sq ft/ child, after excluding the kitchen, hallway, bathrooms, office and fixed fixtures area.
 - Current capacity requires 35 sq ft x 18 = **630 sq ft.**
 - Increased capacity requires 35 sq ft x 24 = **840 sq ft.**
 - Actual indoor space is **1,025 sq ft.**
- **Outdoor Space Requirement:** State Title 22 Regulation for Child Care Center requires 75 sq ft/ child outside play area.
 - Current capacity requires 75 sq ft x 18 = **1,350 sq ft.**
 - Increased capacity requires 75 sq ft x 24 = **1,800 sq ft.**
 - Actual outdoor space is = **2,853 sq ft.**
- Maximum legal enrollment is **29 children.**



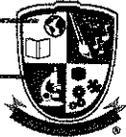
4. Space Utilization

- Indoor usage:
 - The space will be kept mainly open to allow flow from room to room.
 - Furniture will be strategically placed to divide the rooms into learning, dramatic play, science, library, art, crafts, blocks, kitchen, and other creative play centers.
 - Front entrance area will be used for cubbies and “welcome” area.

- Outdoor usage:
 - Medium sized age-appropriate play structures.
 - Small sand and water play area is setup.
 - Bench and chairs are setup for picnics.
 - Canopies are setup for sun protection.
 - Small garden/grass area is setup for hands-on gardening activities.

- Front of Building Usage:
 - Parking, drop off, pick up
 - Handicap Parking





4. Facility Modifications and Remodeling

The building has been previously upgraded to current code with City permission. The building has been upgraded to current code for structural, fire & safety, plumbing, and electrical. As a result, a Certificate of Occupancy was issued on March 24, 2011 by City inspection officials.

(Certification of Occupancy attached with application)

5. Program Hours

Operation Hours (year round):

Monday - Friday: 8:00 AM – 6:00 PM

Drop Off Time: 8:00 AM – 11:00 AM

Pick Up Time: 11:00 AM – 6:00 PM



6. Schedule of Daily Activities

	Monday	Tuesday	Wednesday	Thursday	Friday
8:00-9:00am	Arrival & Open Activities (individual choice)				
9:00-9:30am	Large group: Morning Meeting				
9:30-9:45am	AM snack				
9:45-10:30am	Small group: Math & Literacy Activities & Learning Centers	Small group: Math & Literacy Activities & Learning Centers	Small group: Math & Literacy Activities & Learning Centers	Small group: Math & Literacy Activities & Learning Centers	Small group: Math & Literacy Activities & Learning Centers
10:30-11:30am	Outdoor play/Nature exploration time (in small groups)				
11:30-12:00pm	Small group: Creative Activities & Story				
12:00-12:30pm	Lunch	Lunch	Lunch	Lunch	Lunch
12:30-12:45pm	Prepare for Nap				
12:45-2:30pm	Nap	Nap	Nap	Nap	Nap
2:30-3:00pm	Wake-up, PM snack				
3:00-3:30pm	Learning Centers				
3:30-4:00pm	Small Group: Science, Foreign Lang	Small Group: Science, Foreign Language, etc			
4:30-5:00pm	Outdoor play/Nature exploration time (in small groups)				
5:00-5:30pm	Large group: Review Day & Music/Mvmt.				
5:30-6:00pm	Departure & Independent Activities				

COMMUNITY INCLUSIVENESS

Diverse communities that include among their residents a mix of races, ages, wealth, ideas and beliefs have the raw material for the most vibrant and creative society. However, the presence of these features alone does not ensure a high quality or desirable space. Surveyed residents were asked about the success of the mix: the sense of community, the openness of residents to people of diverse backgrounds and the attractiveness of the City of Sunnyvale as a place to raise children or to retire. A community that succeeds in creating an inclusive environment for a variety of residents is a community that offers more to many.

A high percentage of residents rated the City of Sunnyvale as an "excellent" or "good" place to raise kids and about half of respondents rated it as an excellent or good place to retire. A majority of residents felt that the local sense of community was "excellent" or "good." Most survey respondents felt the City of Sunnyvale was open and accepting towards people of diverse backgrounds. The availability of affordable quality child care was rated the lowest by residents and was similar to the benchmark. The ratings for sense of community and the availability of affordable quality child care had increased compared to 2009.

FIGURE 45: RATINGS OF COMMUNITY QUALITY AND INCLUSIVENESS BY YEAR

	2011	2009	2008	2007	2005	2003	2002
Sense of community	67%	58%	62%	65%	59%	NA	NA
Openness and acceptance of the community towards people of diverse backgrounds	83%	80%	82%	85%	NA	NA	NA
Availability of affordable quality child care	40%	31%	32%	31%	59%	56%	NA
Sunnyvale as a place to raise children	82%	81%	77%	81%	NA	NA	NA
Sunnyvale as a place to retire	53%	55%	61%	49%	NA	NA	NA

Percent "excellent" or "good"

FIGURE 46: COMMUNITY QUALITY AND INCLUSIVENESS BENCHMARKS

	Comparison to benchmark
Sense of community	Similar
Openness and acceptance of the community toward people of diverse backgrounds	Much above
Availability of affordable quality child care	Similar
Sunnyvale as a place to raise kids	Above
Sunnyvale as a place to retire	Below



Out n' About Incentive Chart

As part of the health and wellness focus in our curriculum, we encourage physical activity at Windsor. We're already talking in the classroom about all the different ways we can be active, but now we will also be keeping records of our personal activity at school and home!

The teachers are going to set up an "Out n' About" chart where the children can record their "active" lifestyle. Every time the children do something active, they will receive credit for it on the "Out n' About" chart. Once children earn a certain number of these, they will get a prize from the treasure box!

This "Out n' About" chart will also be wonderful for math (1-to-1 correspondence, counting, addition/subtraction when figuring out how many more stickers needed, etc.) and literacy (initials, beginning sounds, etc.).

All physical activity counts - and YOU can help your children earn points on the chart! Kids can earn points for:

- Walking or biking to/from school
- Having kids share what they did during the weekend (played in the park, went to a kiddie gym, went biking, hiking etc). We'll give weekend bonus stickers out at circle time on Mondays.
- Anything else active that you do, anytime. Do it, share it, earn it!

A healthy body means your child will be able to achieve a healthier mind. Walking and biking provide fresh air and exercise, and will improve the ability of your child to learn. It will also mean that they'll be healthy later in life; getting into a pattern of walking to school can help prevent diabetes, childhood obesity, and other diseases.

PERSONNEL POLICIES

You must provide verification
Accredited school Transcripts
In-service training
Positive Guidance of Young Children
Nurturing Emotional and Social Development in Young Children
Partnering with Parents
Music and Movement for Young Children

EMPLOYEE RIGHTS

- The Windsor Academy, LLC shall provide each employee with a **Notice of Employee Rights** (LIC 9052).
- Each employee shall be asked to sign and date the LIC 9052 to acknowledge receipt of the form.
- A copy of the signed LIC 9052 (11/94) shall be kept in the employee's personnel record.
- If the employee refuses to sign the LIC 9052 (11/94), a dated notation to that effect shall be kept in the employee's personnel record.

STAFF PARKING

Windsor Academy provides convenient on-site parking for its employees in the garage, which has an automatic garage door. If you choose to drive to work, you will be provided with a garage door opener from the Director. This opener can stay in your car for the duration of your employment at the school.

To park in the garage, pull slowly into the Windsor driveway and push the white button on the garage door opener to open the door. Once you have safely parked your car inside the garage, press the same button on the opener to close the door behind you.

Upon termination of employment at the school, staff is required to return garage door openers to the Director.

HIRING PRACTICE

Windsor Academy, LLC promotes the hiring of qualified individuals without regard to race, religion, color, national origin, gender, age, sexual orientation, marital status, status as a Vietnam Era Veteran or disability, provided they meet the position requirements established by the center.



260 S. Mary: Parking Management Plan

Shanam Saini <shanamsaini@gmail.com>

Mon, Mar 25, 2013 at 1:01 PM

To: Ryan Kuchenig <RKuchenig@ci.sunnyvale.ca.us>

Cc: Harmesh Saini <hsaini@aquametrologysystems.com>, Bill Maston Architect <BillM@mastonarchitect.com>

Dear Ryan,

Thank you so much for your continued guidance and support, this morning and for the past couple years.

The new parking ordinance came as a surprise to us. Still, since parking is being underutilized at 260 S. Mary, we feel the impact will be minimal with a modest increase of 6 students. Many of these new students would actually be siblings and would add no additional cars. Moreover, since there is a school policy giving siblings preference on the waitlist, this will continue to be the case for future families.

We have come up with the following management plan to ensure continued efficient parking and circulation.

1. Drive-Through Convenience:

Our arrival and departure routine allows parents to drop off and pick up their child without leaving their vehicle. It's faster than parking and walking into the school. Windsor staff, wearing safety vests, will guide families and will assist children to and from their vehicle.

2. Required Staggered Dropoff and Pickup:

Program	Days	Hours
Full Five	M-F	8:00 am - 6:00 pm
Early Bird	M-F	8:30 am - 12:30 pm
Afternoon	M-F	2:00 pm - 6:00 pm

Core Day	M-Th	9:00 am - 3:00 pm
School-age	M-F	3:00 pm - 6:00 pm

ATTACHMENT C
Page 25 of 27

The schedules offered to parents inherently require staggered dropoff and pickup times. Some children must arrive at 8:00am, some at 8:30am, some at 9:00am, with full-time students typically arriving 9:30am-11:15am. This means that not all families are arriving at the same time.

Pickup is inherently staggered as well, with some families required to pickup at 12:30pm, some at 3pm, others at 6pm, with full-time students typically picked up 3:30-6pm. Children are assigned to different schedules, so that drop-offs and pick-ups do not occur in any one time slot.

3. Analysis of Transportation:

Our analysis shows that much of the student population is walking and biking to school year-round. Given that this is a mixed residential-commercial location, the school is conveniently walkable for many families.

4. Incentive Program for Walking/Biking to School:

As part of our green program at the school, families—even those that live further away—are encouraged and incentivized to walk and bike school. Through parent education as well as curriculum in the classroom, both parents and children are motivated to walk or bike; consequently, many do. For details, please see the "Out 'n About Program," attached to the submitted justification. Looking forward, as the population increases in Sunnyvale, this model of a walkable school will likely become the standard.

5. Carpool Lists:

The school will keep a current carpool list and encourage and incentivize families who choose to carpool.

Over the past year, we have shown the City of Sunnyvale that we are operating smoothly. Given how underutilized the current parking spots are, we are confident that adding 6 students will have minimal impact. We know the City is supportive of local small businesses, especially ones showing a history of smooth, responsible operations. We know that we fall cleanly into that classification, and hope Sunnyvale agrees.

As you know, at this point, we have invested a great deal of effort, time, and money into this project. We are really looking forward to a positive resolution to this.

Thank you again,

Shanam

ATTACHMENT C
Page 26 of 27

260 S. Mary: Administrative Control - Off-site Enrichment

Shanam Saini <shanamsaini@gmail.com>

Tue, Mar 26, 2013 at 11:08 AM

To: Ryan Kuchenig <rkuchenig@ci.sunnyvale.ca.us>

Cc: Harmesh Saini <hsaini@aquametrologysystems.com>, Bill Maston Architect <BillM@mastonarchitect.com>

Dear Ryan,

I realized I should mention a major administrative control we have used at the school. We strategically schedule children's enrichment classes off-site during peak pick-up time.

On both Tuesdays and Thursdays, if you drive by our facility, you will see that children are walked by staff for biweekly karate lessons across the street at 5pm. The class ends at 6pm and children are picked up directly from the karate studio across the street. Nearly 70% of the student population is enrolled - this number has remained consistent over the past couple years (and is growing due to the major convenience for parents). On Tuesdays and Thursdays, the school parking lot remains empty for hours: close to no cars come to pick up children.

On Wednesdays, the children are walked to nearby Washington Park by the soccer coach, at around 4:30pm. They are picked up directly from the park at 5:45pm by their parents. Nearly 75% of the student population is consistently enrolled.

On Friday mornings, the school has an outdoor day where no child is dropped at school in the morning. All families drop off at Washington Park and all the students spend the entire morning playing in the park, then walk back to school in time for lunch. This includes 100% of the student population.

We go year-round, rain or shine. If it rains, it's California - children wear a light raincoat - and have much more fun.

Out of 5 days in a week, 3 days have significantly reduced # of cars during pickup. At least one morning a week, the parking lot is not being used at all by families.

Given that 260 S. Mary is in a mixed residential commercial neighborhood, there are walkable resources nearby that we are using to, not only enrich children's development, but also greatly reduce the cars coming to the school.

We plan to add activities on the other days as well.

Shanam



ATTACHMENT C
Page 27 of 27

260 S. Mary: Administrative Control - Curriculum

Shanam Saini <shanamsaini@gmail.com> Tue, Mar 26, 2013 at 12:58 PM
To: Ryan Kuchenig <rkuchenig@ci.sunnyvale.ca.us>
Cc: Harmesh Saini <hsaini@aquametrologysystems.com>, Bill Maston Architect <BillM@mastonarchitect.com>

Dear Ryan,

One last administrative control I wanted to highlight, that reduces the numbers of cars to our school, is our Out n' About program. As part of our health and "green" curriculum, teachers talk constantly to children about being physically active and keep records of when they bike/walk to school.

Attached you will find what our present "Out n' About" incentive chart looks like. Children receive credits for walking and biking. Credits eventually earn them something fun.

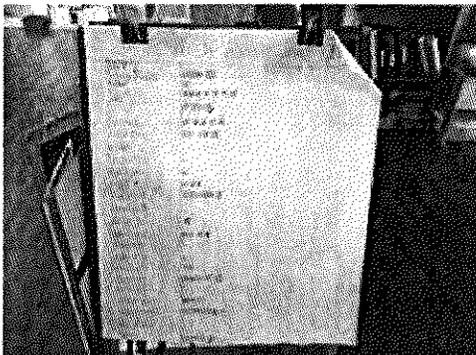
Getting into a pattern of walking/biking to school improves children's (and parents'!) health, and also reduces traffic congestion not only at the school, but also in Sunnyvale as a whole.

As you can see, there is quite a bit that we are doing as a school to manage parking. There is tremendous effort to have multiple administrative controls in place, whether it's through curriculum, required staggered children's schedules, scheduling weekly off-site events, the willingness to have drive-thru parking, carpool lists, and so on.

Thanks so much for reading this.

Shanam

2 attachments



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2441K

Dear City of Sunnyvale:

I live in the property directly adjacent to Windsor Academy. I have lived in the same house in this neighborhood since 1970, over 40 years. I have watched the neighborhood change drastically—the strip mall across the street came into the neighborhood, as did other development.

Change is always hard for people, but in this case, the benefits certainly outweigh the costs. There are more working mothers and younger parents needing childcare. The needs of Sunnyvale residents are changing. The City should be responsive to these changes, especially in this situation where increasing capacity would not cause problems. Here are reasons I feel an increase in student population is appropriate for this property:

1.) Adequate Parking:

Every morning, I sip my coffee as I observe the families and children going to school. I am home during pick-up time as well.

Families arrive and depart at different times throughout the day. They stay long enough to just drop-off/pick-up their children and leave. Many families walk to school. Because of these reasons, there are always open parking spots. Even with an increase in student capacity, there would be sufficient parking.

2.) Noise issues are non-existent:

My fence is low enough that I can easily see the children playing in the outdoor area. The sound of well-supervised laughing children is compatible with the neighborhood. Moreover, the children are outside only 1-2 hours a day and never on Fridays (they go to the park). When they are indoors, they cannot be heard at all.

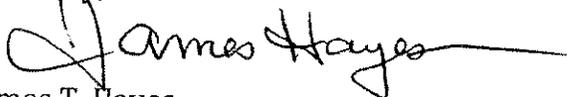
I hear more noise from the shopping center directly across the street and Mary Avenue than I do from Windsor Academy. Increasing the student capacity would not change this.

3.) Neighborhood-compatible:

I like that Windsor Academy is compatible with the “look and feel” of the neighborhood. No major external modifications were made to the house during construction, so the facility blends right in.

Over the past several years, I have seen that the school is consistently well run and the owners are responsible and professional. I am confident that increasing student capacity would be extremely beneficial to the neighborhood.

Sincerely,



James T. Hayes
250 S. Mary Ave., Sunnyvale



Windsor Academy | City of Sunnyvale

Brent Harrison <brenth1@me.com>

Mon, Mar 11, 2013 at 4:24 PM

To: Shanam Saini <windsorparents@gmail.com>

Cc: Jennifer Ayre <jemicer@mac.com>

Dear Sunnyvale City Council,

We are Sunnyvale residents live close to Windsor Academy. Both of us are working parents.

Our youngest son enrolled at Windsor Academy shortly after it opened 4.5 years ago. We have been part of the extended Windsor community from the beginning, through its renovations, and from its growth from 14 to 18 students. (Our son, now in Kindergarten, continues to attend the school on a drop-in basis to present).

Before Windsor Academy opened in the neighborhood, we were driving all the way to Redwood City for childcare. What a relief it was to have top-tier, high quality childcare that is walkable!

This past year Jennifer's mother was diagnosed with terminal cancer. In order to assist her and make it to chemotherapy sessions, we needed more childcare hours for our son. With the current student capacity restrictions, this proved to be very difficult. Here we had a walk-able school right next to our home that had the space to accommodate our son and, moreover, he was very comfortable in (during a very stressful family time), but we were unable to use it. This doesn't make sense.

Please grant Windsor Academy the modest increase in capacity it is seeking. From my understanding, their facility is constructed to accommodate 24 students - it has adequate parking, and is integral to the fabric of our neighborhood.

We would love to see the city be responsive to the needs of working parents with children.

Sincerely,
Jennifer Ayre and Brent Harrison

ATTACHMENT
Page 3 of 11

City of Sunnyvale

Charlie Zhu <charlie_195@yahoo.com>
Reply-To: Charlie Zhu <charlie_195@yahoo.com>
To: Windsor Academy <windsorparents@gmail.com>

Tue, Mar 12, 2013 at 5:10 PM

Dear City of Sunnyvale,

We are almost next-door neighbors to this school; until 2012 we lived two houses over from 260 South Mary. We are parents of a young boy, who attended Windsor Preschool Academy for 5 years. We have attended this school as it increased from 14 to 18 children, and our son regularly attended as it operated with 18 students this past year.

-Regulations met:

Windsor Academy already meets all state and city regulations for 24 students. There are no operational problems in the years our son has attended the school.

-Siblings:

We have a second child. Many other families have multiple children attending the school, which means reduced traffic (one car for all children, if they are driving). This will continue since preference for admission is given to siblings and the age range of children accepted.

-Mary Avenue:

We're adding of 6 cars (a very maximum if no one is walking and there are no siblings, which is unlikely) to Mary Avenue. Mary Avenue has something like 25,000 cars daily.

-Neighbors

We walked to school, like many other neighbors.

This is an excellent, high-quality local business. We toured many preschools in the south bay, but picked Windsor for our child, given the home-based atmosphere, professionalism, and dedicated staff. We couldn't find any other preschool like Windsor.

The neighborhood is behind this, and has been for the past several years. We are in favor of granting the increase.

ATTACHMENT D
Page 4 of 11

Thank you,

Charlie and Joyce Zhu
280 S. Mary Ave
Sunnyvale, CA 94086

ATTACHMENT D
Page 5 of 11

Letter for Sunnyvale

Emily Johnson <emmyjsf@gmail.com>
To: Windsor <windsorparents@gmail.com>

Tue, Mar 12, 2013 at 7:10 PM

Dear City Staff,

My daughter has attended Windsor Academy for the past 4.5 years to present. Through this letter, I would like to communicate what the impact of increasing student capacity from 14 to 18 students has been on us.

We drive to school. Traffic and parking has not been impacted. Parents drop-off and pick-up at staggered times throughout the day. Even after the increase in students, I have never had a problem finding parking. There is actually plenty of open parking.

After I park, I walk up to the school, pick up my daughter, and off we go! MUCH smoother and faster than my daughter's elementary school. This takes only a few minutes. I have observed other families do the same.

Even with an increase of 6 students to 24 students total, the impact would be minimal. This property has a large driveway, sufficient parking, and staggered schedule for pick-up and drop-off.

The increase to 18 students has been seamless. Granting the expansion to 24 will result in minimal negative impact to the neighborhood. It will allow siblings of current students and other children to enroll at an excellent childcare facility in a convenient location. I hope to see the City support working parents with young children.

Emily Johnson



Letter to city

Shalini <shalini.aggarwal@gmail.com>
To: Windsor Academy <windsorparents@gmail.com>

Mon, Mar 11, 2013 at 5:54 PM

To whom it may concern,

My family lives in the neighborhood, right on Mary Avenue and very close to Windsor Academy. Our 5-year-old daughter is a current student at the school. She was one of the first students and has been attending Windsor Academy for most of her life.

I would like to address, through this letter, why this specific location is so important to families. The location of the school, in a mixed commercial and residential neighborhood, is important and vital for several reasons.

- *Many families in our neighborhood walk to the school.*

Industrial areas are not appropriate for schools. Completely commercial areas are not walkable since they are far from home and off the route of our commute. A school at this location is ideal because it is in a walkable setting.

We walk to school. If it's raining, we walk over with an umbrella and raincoat. We have seen many other Windsor Academy parents in our neighborhood do the same.

We believe as population grows and Sunnyvale has more traffic congestion, this European-style walkable neighborhood school is what we will need to move toward. This is a very eco-friendly solution.

- *The location is ideal for the resources it offers to children.*

I've never seen a school take such great advantage of their surroundings.

The children go on walking trips to the Sunnyvale Library monthly and visit Sunnyvale's Washington Park weekly. The children have visited the Sunnyvale Police Station on foot. And the proximity to the shopping center across the street allows for "people in your neighborhood" style visits with hair stylists, coffee baristas, dry cleaners, etc.

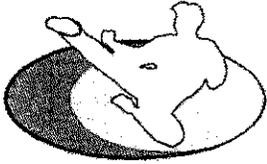
Increasing capacity at Windsor Academy is a win-win for Sunnyvale, for the environment, and for our neighborhood.

Rakesh Gupta and Shalini Aggarwal

141 S. Mary Ave.

ATTACHMENT D
Page 7 of 11

January 23, 2012



AMERICA'S BEST KARATE

Sunnyvale Academy

251 S. Mary Ave. Ste. 4
Sunnyvale, CA 94086
(408) 732-2378

To the city of Sunnyvale:

My name is Todd Penner and I am the owner of America's Best Karate of Sunnyvale and I am writing this letter on the behalf of Windsor Academy. It is my understanding that Windsor has petitioned to expand their enrollment to 24 students and I am writing in support of this decision. First, I think that it is important that you know the extent of the relationship between our businesses. Windsor Academy is literally right across the street from my studio, from my office I see the kids come and go every day. About 2 years ago I was approached by Shanam, (the owner) and asked to teach a special class for the Windsor students as part of their enrichment program. Since then the class size has grown and we have actually added a second class. So our partnership has definitely benefited my business.

I have been teaching for over 15 years and I know a good quality children's program when I see one and I know that Windsor Academy is top notch. Twice a week I go to pick up the children and I get a chance to go into the school and see how it operates. The kids are always so excited to share with me what they learned that day and what they did at school, I can tell that they love it there.

As great as I feel that Windsor is, I know that is not the only concern that the city has. I know that traffic concerns are an issue and on a street like Mary the city wants to know if additional students would create a problem. As I said, I have a perfect view of Windsor Academy from my office and I have never once seen any traffic jam or potential risk posed by the parents dropping off or picking up their children. Noise is another issue, especially with children who love to scream. I have never heard a sound from that school, even when I am out front getting ready to pick them up. There have been days where as I walked up to the school, that I wasn't sure it was open because of how quiet it is.

After working with Windsor Academy for the past 2 years and seen the professionalism and abilities of the teachers, I have no doubt that they will be able to handle 24 students. Not only is Windsor Academy a benefit to the community by creating happy, healthy, well-rounded people, it has directly helped my studio to grow and I think that it is only right to allow them to grow as well.

With respect,

Master Todd Penner
(408) 732-2378
masterpenner@abkmartialarts.com

~~Letter from Parent & Hair Business~~
Across the Street

Hair Galleria
Jafar Reisi
201 South Mary Ave. Suite 3
Sunnyvale, CA 94086

To Sunnyvale City Staff:

As a neighboring business owner and parent, I would feel uncomfortable with a giant preschool on Mary Avenue. However, 24 students for a preschool is tiny.

A couple years ago, I was interested in enrolling my then preschool-age son since Windsor has an impressive program. Unfortunately, we did not get in due to the waiting list (imagine the disappointment! It's just right across the street from where I work!).

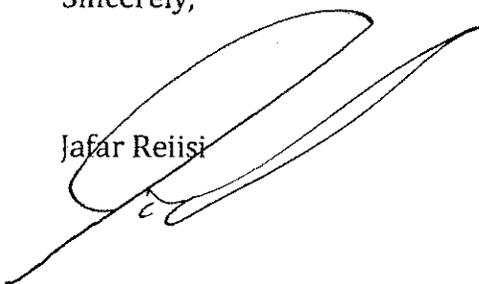
My son instead attended a larger preschool center, large daycare centers can have up to hundreds of children. This is only 24.

There is already a running business there and they will add on a few more children.

I think that is reasonable. The school is operating with no problems. Parking and traffic is fine. They also have plenty of space inside and out.

Windsor Academy should be granted the increase. The request is within reason for the property. It would help out working parents in the neighborhood.

Sincerely,


Jafar Reisi

ATTACHMENT D
Page 10 of 11**Case #2011-4205 / Planning Permit #2009-0756**

Steve Frias <SFrias@ci.sunnyvale.ca.us>
To: Shanam Saini <shanamsaini@gmail.com>

Tue, Dec 6, 2011 at 3:19 PM

Shanam,

Thank you for your email. The allegation does not adversely affect any permitting process. Additionally since their appears to be no merit to the complaint, it does not create a negative record against your person, property or business.

Thank you,

Steve Frias

>>> Shanam Saini <shanamsaini@gmail.com> 12/6/2011 11:21 AM >>>

Dear Mr. Frias,

I am responding to the letter we received regarding the complaints our neighbor Arthur made.

It is our every intention to adhere to the conditions of approval set forth by the City of Sunnyvale.

With regard to the use of the garage, attached are photos of our two-car garage. As you can see, we are in compliance with the conditions of our conditional permit.

With regard to vehicles obstructing the neighboring driveway, a public safety officer, Lt. Boone, visited us before we received your letter, as I discussed over the phone with you. The officer spoke to other neighbors and also observed drop-off of children. He found no evidence of obstruction.

[Personal information redacted. Full letter available upon request.]

Given his actions and our compliance, could you comment on how this incident will affect the permitting process?

Will

his claims be appended to our permanent record?

Thanks so much for your time. I appreciate it.

Shanam



ATTACHMENT D
Page 11 of 11

File Number: 2013-7202 Use Permit to allow child care facility to increase capacity from 18 to 24 children

Arthur Kawai

Thu, May 9, 2013 at 12:31 PM

To: rkuchenig@sunnyvale.ca.gov

My wife, Carolee and I live at 270 S. Mary Ave., adjacent to the child care center at 260 S. Mary Ave. On Tuesday November 17, 2009 at 4:54 PM we sent you an email which we requested to be submitted into the records objecting to the issuance of use permit 2009-0756. We listed the reasons for our objections. The problems we listed then continues to persist. I would like to submit the following for the record, again.

On Nov. 17, 2009 I submitted Ryan Kuchenig an email with my concerns and objections to the permit being extended to the cay care facility. I again object on the basis of the following:

1. INCREASED TRAFFIC The driveway at 260 S. Mary is not designed for commercial traffic of 24 parents in a hurry to drop off and pick up their children at the same time five days a week. It poses as a danger to drivers on Mary and nearby residents.
2. INADEQUATE PARKING. There are only two parking spots plus one additional handicap parking for the parents of 24 children. The parents have blocked my driveway and physically parked in my driveway. I have physically gone over to the facility to request that the parents move the car, but their response has not always been cooperative. One parent who was blocking my driveway had the gall to say, "Can't you see I'm on the phone? You should have some patience!" I have called the police to cite the parents, but they drive off before the officers arrive.
3. NOISE Twice a day, once at 11:00 a. m. and once at 4:00 p. m., the children are allowed to play in a tiny backyard for a full hour. The shouting children as well as the adult aide shouting at each other trying to get the attention of the other twice a day is aggravating. You would think this was a hearing impaired facility. The backyard is not large enough to host 24 screaming children and an adult aide screaming to keep control even with the 10' fence that was installed between out properties. .
4. TRASH With the installation of a 10' fence the level of trash coming over the fence has decreased, but the challenge of children throwing hats and plastic toys continue. This is a clear indication of inadequate supervision to control the number of children in a chaotic backyard.

These problems persist and continue. On May 15, 2013 the permit to increase the number of children to 24 become permanent. I would appreciate some advice and support on limiting the number to a tolerable number of 14 children.

Sincerely,
Arthur Kawai